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Of Attorneys for Applied Materials, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

GREGORY ROQUE, an individual

PLAINTIFF,

v.

APPLIED MATERIALS, INC., a Delaware Corporation

DEFENDANT.

Case No. CV03 1564 ST

**DEFENDANT'S MOTION TO DISMISS
OR IN THE ALTERNATIVE TO
ABATE AND COMPEL ARBITRATION**

Oral argument requested

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1, counsel for defendant Applied Materials certifies that she conferred with counsel for plaintiff Gregory Roque about this issue prior to filing this motion. The parties have been unable to agree.

MOTION

Pursuant to § 4 of the Federal Arbitration Act, 9 U.S.C. §§ 1-16 ("FAA"), defendant Applied Materials, Inc. moves this Court for an Order dismissing plaintiff Gregory

Roque's Complaint, or in the alternative abating the claims, and compelling arbitration under the FAA. In support of the Motion, defendant relies upon the memorandum in support of its motion filed herewith and the Declaration of Linda Knowles.

DATED this 15th day of December, 2003.

DAVIS WRIGHT TREMAINE LLP

By /s/ Carol J. Bernick
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